

6. On May 12, 2021, the court entered judgment affirming the dismissal of the complaint and granting defendants reasonable attorneys' fees [D.E. 38].

7. On June 14, 2021, defendants filed their motion and request for attorneys' fees pursuant to N.C. Gen. Stat. § 6-21.5, together with an affidavit and other supporting documentation requesting an award of \$18,309.56 in reasonable attorneys' fees and costs [D.E. 43, 43-1, 43-2, 43-3].

8. On July 22, 2021, the court granted defendants' motion for attorneys' fees and costs, awarded defendants \$18,309.56 in reasonable attorneys' fees and costs, and directed plaintiff to pay the award in 30 days [D.E. 44, 45].

9. Plaintiff failed to satisfy any portion of the award of attorneys' fees and costs.

10. On January 31, 2022, defendants moved to show cause and for contempt and filed a memorandum of law in support of their motion regarding plaintiff's failure to pay the award of attorneys' fees and costs [D.E. 52, 53].

11. On April 5, 2022, the court granted defendants' motion to show cause and directed plaintiff to appear in person and show cause why he should not be held in contempt for violating the order awarding attorneys' fees and costs [D.E. 58].

12. After the hearing on the motion to show cause, the court entered an order on May 6, 2022, deferring a ruling on contempt, giving the plaintiff additional time to comply with the court's orders, and awarding defendants' additional attorneys' fees and costs of \$7,856.94 (for a total of \$26,166.50), related to litigating the show cause and contempt motions [D.E. 61].

13. The court ordered plaintiff to pay defendants \$26,166.50 on or before June 6, 2022, and the court scheduled a hearing for June 7, 2022, at 4:00 p.m. to ascertain the status of payments and plaintiff's compliance with the orders. Id.

14. On June 6, 2022, plaintiff paid \$125.00 toward the orders awarding attorneys' fees and costs [D.E. 62, ¶ 5].

15. Plaintiff failed to appear at the June 7, 2022 hearing [D.E. 72, ¶ 40].

16. During the June 7, 2022 hearing, defendants moved for an award of additional attorneys' fees and costs of \$4,122.56, representing defendants' attorneys' fees and costs from May 4, 2022, through June 7, 2022, in connection with the contempt proceedings [D.E. 65].

17. On June 10, 2022, the court found plaintiff in civil contempt of court, and ordered, inter alia, plaintiff to appear at a hearing on June 21, 2022 at 1:00 p.m. or be subject to arrest [D.E. 72].

18. The court denied without prejudice defendants motion for attorneys' fees and costs of \$4,122.56. Id.

19. Plaintiff failed to appear at the June 21, 2022 hearing.

20. On June 21, 2022, the court issued a bench warrant for plaintiff's arrest [D.E. 76].

21. On June 23, 2022, plaintiff paid an additional \$175.00 toward the orders awarding attorneys' fees and costs.

22. On June 27, 2022, plaintiff surrendered at the United States Attorney's office in the Southern District of New York [D.E. 79].

23. The court ordered plaintiff to appear for a hearing in the Eastern District of North Carolina on June 29, 2022 at 1:00 p.m. Id.

24. Plaintiff appeared at the hearing on June 29, 2022, and the court found, inter alia, that plaintiff remained in contempt and that defendants could file a renewed motion for attorneys' fees and costs in connection with the continued contempt proceedings in this case.

25. On July 1, 2022, counsel for defendants submitted the declaration of Trey Lindley and documentation of the attorneys' fees and costs incurred by defendants after June 8, 2022. See [D.E.

86, 86-1]. Defendants requested an order awarding attorneys' fees and costs in the additional amount of \$6,855.00. See [D.E. 86].

26. The \$6,855.00 in attorneys' fees and costs are in addition to the \$4,122.56 in attorneys' fees and costs that the court denied without prejudice on June 10, 2022 [D.E. 65, 72].

27. Since this court's order of June 29, 2022 [D.E. 83], plaintiff made the following payments on the following dates, totaling \$5,775.00:

- a. \$1,155.00 on July 17, 2022;
- b. \$925.00 on August 15, 2022;
- c. \$230.00 on August 15, 2022;
- d. \$1,155.00 on September 16, 2022;
- e. \$1,155.00 on October 17, 2022; and
- f. \$1,155.00 on November 16, 2022.

28. Since this court's order of June 29, 2022 [D.E. 83], defendants incurred an additional \$925.00 in attorneys' fees and costs concerning this matter. See [D.E. 86-1].

II.

Based on these findings of fact, the court makes the following conclusions of law:

1. As for the court's September 16, 2021 order, as well as subsequent orders, plaintiff remains in civil contempt because:

- a. The order is valid and remains in force;
- b. The order is in defendants' favor;
- c. Plaintiff is in direct violation of the order;
- d. The purpose of the order may still be served by compliance with it;
- e. Plaintiff's noncompliance is willful;

- f. Plaintiff did not timely file for indigent status;
- g. Plaintiff was able to comply with the order;
- h. Defendants suffered harm resulting from plaintiff's noncompliance; and
- i. Plaintiff failed to render timely payments when due.

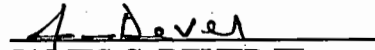
2. Plaintiff did not make all reasonable efforts to comply with the court's September 16, 2021 order and subsequent orders.

3. After reviewing the defendants' affidavit and exhibits concerning the attorneys' fees and costs defendants incurred in pursuit of their motions to show cause and for contempt, the court finds the requested attorneys' fees and costs are compensatory and not punitive.

III.

In sum, the court GRANTS defendants' motion for attorneys' fees [D.E. 86]. Plaintiff OWES defendants \$38,069.06, which includes the \$18,309.56 awarded in the court's September 16, 2021 order, the \$7,856.94 in attorneys' fees and costs awarded in the court's May 6, 2022 order, and the \$11,902.56 in attorneys' fees and costs awarded in this order. Plaintiff SHALL get credit for the \$125.00 he paid on June 6, 2022, and the \$175.00 he paid on June 23, 2022. Plaintiff also SHALL get credit for the \$5,775.00 in payments that he made since June 29, 2022. Thus, the balance owed is \$31,994.06.

SO ORDERED. This 14 day of February, 2023.


JAMES C. DEVER III
United States District Judge